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1838-05-02 Letter from Governor Gilmer to Governor Kent Demanding Extradition of Philbrook and Kellerun

George R. Gilmer

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Executive Department Ga
Milledgeville 3rd May 1838

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His Excellency

Gov. Stent

Sir

Your Predecessor Gov. Dunlap declined enforcing the demand which was made upon him for the arrest and delivery of Philbrook and Kellum to the agent of this State, for the want, in his opinion, of the requisite formalities in the proofs submitted to him, charging these persons with having violated the Laws of Georgia. Gov. Dunlap determined that the affidavit upon which the demand was made, was not sufficiently positive, in charging the criminal acts alledged against them, to have been committed by these fugitives from justice, nor certain in the description of the crime.

These objections have been removed. The present demand is made upon the copy of a true bill of indictment, authenticated in due form, which has been found by the Grand jury of the Superior Court of Chatham county in this State, charging Philbrook and Kellum with the commission of the crime of Simple Larceny.

The present demand has been made because the rights of property—the peace, prosperity and enjoyment of individuals, and our whole community require that there should be no uncertainty, whether this State can, through the assistance of the Authorities of the State to which such criminals may escape, furnish the Citizens of other States who may violate the rights of property in slaves within its jurisdiction, by the commission of such acts as, by the Laws of the State are made crimes.

As long as the relations between the States, created by the Constitution, continue

to exist, it would seem to be wholly unnecessary to discuss the force of the obligations upon each State, to perform the duties arising from the Union.

Philbrook and Killman, whilst they were within the limits of Georgia, committed acts, defined by its Legislative authority to be crimes. They avoided punishment by taking refuge within the limits of the State of Maine. A demand is now made by the Executive Authority of Georgia, upon the Gov of Maine, for the arrest and delivery of these persons to the Agent of Georgia, in the form, and upon the evidence required by the Laws of the United States, and in conformity with the principles of the Constitution.

Upon these facts the Authorities of the State of Maine must determine, whether Georgia shall have their assistance in exercising the power secured to her by the Constitution and Laws of the United States in protecting her own institutions

That the result may be such as to strengthen the ties of the Union, and give security and quiet to the citizens of this State, in the enjoyment of their rights, is the ardent desire of,

Your Excellency
OBT SGP

George R Gilman